



Defendants are entitled to sovereign immunity under Article 1, § 14 of the Alabama Constitution (1901).

Defendants are entitled to immunity under the Eleventh Amendment to the United States Constitution.

Defendants are entitled to qualified immunity.

Respectfully submitted,

TROY KING  
Attorney General

s/ Benjamin H. Albritton  
Benjamin H. Albritton  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have, this the 17<sup>th</sup> day of July, 2006, served a copy of the foregoing upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Zavius Averette, AIS#217905  
William E. Donaldson Correctional Facility  
100 Warrior Lane  
Bessemer, AL 35023

s/ Benjamin H. Albritton  
Benjamin H. Albritton  
Assistant Attorney General